THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22255 OF 2006

ORAL ORDER:

This writ petition is filed questioning the order dated 16.10.2006 passed by the respondent, pursuant to the direction of this Court in W.P.No.13690 of 2006 dated 6.7.2006. The operative portion of the order in W.P.No.13690 of 2006 runs as under:

> "Having perused the material on record, I find force in the submission of the learned counsel for the petitioner that the impugned order was passed without application of mind to the relevant aspects. At the out set, it is to be noted that the respondent has treated it as a review petition, which can be made under Section 7-B of the Act. In an application filed under sub-section (4) of Section 7-A of the Act, the respondent is required to record a finding that there was no sufficient cause from appearing when the enquiry was held. Obviously, the respondent did not record such a finding, and at any rate, the detailed explanation offered by the petitioner explaining the circumstances under which they could not attend the enquiry have not been considered.
>
> In the circumstances, I am of the opinion that the impugned order, which was passed mechanically, and without application of mind to any of the reasons given by the petitioner, cannot be sustained, and the matter requires reconsideration.
>
> Accordingly, the impugned order is set aside and the writ petition is disposed of with a direction to the respondent to consider the application made by the petitioner under sub-section (4) of Section 7-A of the Act afresh, and pass appropriate orders in accordance with law, within four weeks from the date of receipt of a copy of this order."

A perusal of the impugned order shows that the application of the petitioner was again treated as a Review Petition under Section 7B of the Act and the respondent failed to record a finding, whether any sufficient cause was made out by the petitioner for his non-appearance.

Having heard the learned counsel for both the parties and having gone through the counter affidavit filed on behalf of the respondent, I am of the opinion that the matter requires reconsideration, since

apparently the impugned order was not in terms of the order of this Court in W.P.No.13690 of 2006 dated 6.7.2006.

Accordingly, the impugned order is set aside and the writ petition is allowed with a direction to the respondent to pass appropriate orders afresh in accordance with law in terms of the order in W.P.No.13690 of 2006 dated 6.7.2006, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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(G. ROHINI, J.)

13th December, 2006.
Issue CC in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22255 OF 2006

13th December, 2006.

Between:

M/s SJLT Granites,
Graddagunda (V), Akkampet (P.O.),
Sulurpet (via), P.C. 524121, Nellore district,
represented by its General Manager &
Power of Attorney : P.Venugopal. ..
Petitioner.

And

The Assistant Provident Fund Commissioner,
Employees' Provident Funds Organisation,
Sub-Regional Office, 1/30, R.S. Road,
Cuddapah. .. Respondent.